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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

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IN THE MATTER OF :

GERALD F. RAAB, D. D. S. :

Administrative Action

LICENCED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY :

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CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry (hereinafter referred to as "Board") upon the receipt of a patient complaint from James J. Lombardi and Diane Jolles Lombardi, Esquire, concerning the dental services rendered to them by Gerald F. Raab, D.D.S. The patients went to Dr. Raab's office for an initial examination and cleaning. Mr. and Mrs. Lombardi alleged that on August 16, 1994, both were seen by Diane G. Raab, R.D.H., a registered dental hygienist in Dr. Raab's office, who cleaned both patients' teeth and later diagnosed and explained their dental problems. The Lombardis further maintained that they were never examined or seen by a licensed dentist on August 16, 1994, however their insurance company was billed by Dr. Raab for an initial oral examination by a licensed dentist.

The Board reviewed the entire record concerning the complaints of these patients and acquired additional information at an Investigative Inquiry attended by Diane G. Raab and Dr. Raab on October 25, 1995, together with their counsel, Joseph Cooney, Esquire, in regard to the services provided the patients. The Board determined that Dr. Raab engaged in misrepresentation, in violation of N.J.S.A. 45:1-21(b), when he billed the patients' insurance company for services which were not provided, namely initial oral examinations performed by a licensed dentist. Additionally, the Board concluded that Dr. Raab had failed to manually and personally sign the patients' insurance claim forms as required by N.J.A.C. 13:30-8.10(d).

It appearing that the parties wish to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 7<sup>th</sup> DAY OF ~~DECEMBER~~ <sup>February</sup> 1995.

HEREBY ORDERED and AGREED upon by the parties that:

1. Dr. Raab shall immediately cease and desist from improperly billing for dental services which were not performed for or provided to patients and from failing to personally and manually sign all submissions to a third party payor, including but not limited to predetermination forms, claim forms and bills.

2. Dr. Raab is hereby assessed a civil penalty in the amount of Two Hundred and Fifty (\$250.) dollars for his conduct of billing for dental services, i.e., initial oral examinations, which were not provided to the patients. Further, Dr. Raab is hereby assessed a civil penalty in the amount of Two Hundred Fifty (\$250.) dollars for his failure to manually sign the insurance claim forms submitted for the dental services provided to the Lombardis. Payment shall be made by certified check or money order made payable to the

State of New Jersey. The payment shall be submitted to Agnes Clarke, Executive Director of the Board of Dentistry, at 124 Halsey Street, Sixth Floor, Newark, New Jersey, 07102, within thirty (30) days of the entry date of this Order.



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Samuel Furman, D.D.S.  
President, State Board  
of Dentistry

I have read and understand  
the within Order and agree  
to be bound by its terms.  
Consent is hereby given to  
the Board of Dentistry to  
enter this Order.



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Gerald F. Raab, D.D.S.